

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. JULY 14, 1998

PRESENT:

Joanne Bond, Chairman  
Mike Mouliot, Vice Chairman  
Sue Camp, Commissioner  
Jim Galloway, Commissioner  
Jim Shaw, Commissioner

Betty J. Lewis, County Clerk  
Katy Simon, Interim County Manager  
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

98-677 WORK CARD PERMIT APPEAL - MARIA METKO-MORSE

This appeal was considered on MONDAY, JULY 13, 1998, prior to the Caucus meeting, the Board having convened with Chairman Bond presiding, to consider the appeal of MARIA METKO-MORSE of the Sheriff's denial and the upholding of the denial by the Internal Review Board composed of Debra Williams, Records Manager of the Washoe County Sheriff's Office, Captain Lee Bergevin of the Sheriff's Office, Chuck Siegel of International Total Services, Inc., and Lurana Horning of the Sheriff's Office, of a work permit as a security guard at Holman's Security. It was reported that their job offer to MARIA METKO-MORSE had been rescinded.

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, the Board convened in closed personnel session to hear testimony. The appellant was present to offer testimony during the closed personnel session as was Lurana Horning, Records Section of the Sheriff's office. Following testimony of both parties, the Board convened in open session and the following action was taken.

On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the denial be upheld and the appeal of MARIA METKO-MORSE be denied since no compelling evidence to overturn the Review Board decision was presented.

98-678 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the agenda for the July 14, 1998 meeting be approved with the following amendments -- Delete: Item 8F, Amending Chapter 110, Washoe County Code, regulations governing Outdoor Festivals.

PUBLIC COMMENTS

There was no response to the call for public comments.

98-679 TRANSFER OF APPROPRIATIONS - PUBLIC DEFENDER

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following transfer of travel appropriations for the Public Defender's Office be retroactively approved:

Decrease Account	Amount	Increase Account	Amount
1241-7488	\$3,000.00	1241-7620	\$3,000.00

It was noted that the Public Defender's Office has overrun its travel account in 1997-98 due to applying investigation travel to their regular discretionary travel account; and this transfer will retroactively give appropriation authority to the travel account for fiscal year 1997-98 to cover these cost.

98-680 RECLASSIFICATIONS - SUBMITTED THROUGH BUDGET PROCESS - PERSONNEL

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following reclassifications submitted through the budget process to existing classes with the corresponding salary ranges be approved effective July 1, 1998.

Department	General Services	General Services
Current Class	Equipment Mechanic I	Equipment Mechanic II
Recommended Class	Equipment Services Supervisor	Equipment Services Supervisor
Salary Range and Grade	Y190 \$29,140 - \$38,604	Y190 \$32,822 - \$43,596
Recommended Salary Range	Y190 \$37,419 - \$49,836	Y190 \$37,419 - \$49,836

Department	Sheriff
Current Class	Detention Library Principal Clerk
Recommended Class	Specialist
Salary Range and Grade	W090 \$24,689 - \$32,572
Recommended Salary Range	W090 \$26,356 - \$34,777

\* Salary Range does not include 7/1/98 COLA

98-681 ACCEPTANCE OF DONATIONS - COMMUNITY EXPO `98 - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that donations approximating \$700.00 from various local businesses to be used for the Sheriff's Community Expo `98 to be held on July 25, 1998 be accepted with gratitude.

98-682 REIMBURSEMENT GRANT - UNITED STATES DEPARTMENT OF JUSTICE - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a Reimbursement Grant from the United States Department of Justice, Bureau of Justice Assistance, in the amount of \$341,141 for costs associated with processing and detention of illegal aliens be accepted.

It was noted that the grant award will be placed into the Washoe County Detention Bureau's revenue account 15090-4313 (Incarceration Charges).

98-683 GRANT AWARD - THE RIDGE HOUSE - DISTRICT COURT

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a grant award increase for The Ridge House be approved; and that the following account transactions be authorized:

INCREASE	AMOUNT
ACCOUNT	
12135G-4301	\$4,000.00

INCREASE	AMOUNT
ACCOUNT	
12135G-7140	\$4,000.00

It was noted that The Ridge House operates three half-way houses to assist with the transitioning of inmates from institutional life to society; that the Board approved District Court and the Honorable Peter I. Breen as the subgrantee for these "pass through" federal funds for The Ridge House by accepting a total grant award in the amount of \$50,885.94 for FY97/98; and that the additional grant award will increase the total FY97/98 award to \$54,885.94, increasing District Court appropriation by \$4,000 in FY97/98.

98-684 1998 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARDS - HUMAN SERVICE COORDINATOR

Upon recommendation of Michael McMahon, Human Service Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that a funding allocation in the amount of \$50,000 from the State of Nevada Commission on Economic Development (CDBG Program) be accepted and Chairman Bond be authorized to execute the "Notice of Grant Award" and other related documents.

CDBG ALLOCATIONS -

Lighthouse of the Sierra	\$25,000.00
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funds will be used for architectural renderings and design of the building(s).

Desert Research Institute/Dandini Business Park	\$25,000.00
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funds used to prepare a business plan for the development of a regional business incubator.

98-685 VARIANCE TO ARTICLE 416 - FLOOD HAZARD SECTION 110.416.65(d) - DEVELOPMENT CODE - DAMONTE RANCH PROJECT - ENGINEERING

Upon recommendation of Kimble Corbridge, Engineering Division, through David Price, County Engineer, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a variance from the requirement that a finished floor be two feet (2') above the highest adjacent grade (Article 416 Flood Hazard Section 110.416.65(d) of the Washoe County Development Code for the Damonte Ranch Project be approved; and that staff be authorized to finish the floors no lower than "at grade."

It was noted that a Master Flood Control and Drainage Plan was prepared and approved for the Damonte Ranch Project; that the project is currently located in a "shaded zone X" (areas of 500-year flood); and that the proposed flood control improvements will effectively remove the Damonte Ranch Park site from "Zone X" to be elevated at least two feet above the highest adjacent undisturbed ground creating a waiver of this requirement.

98-686 CHANGE ORDER NO. 1 - BITUMINOUS OVERLAY OF PAVED STREETS IN RANCHO SAN RAFAEL & HIDDEN VALLEY PARKS - ENGINEERING

Upon recommendation of Jim Palabay, Engineering Division, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Contract Change Order No. 1 with Granite Construction Company in the amount of \$6,500 for bituminous overlay of paved streets in Rancho San Rafael and Hidden Valley Parks, Washoe County, Nevada, Contractor, be approved and Chairman Bond be authorized to execute the Change Order and return it to the Engineering Division.

98-687 CHANGE ORDER NO. 2 - SKI WAY WATER QUALITY IMPROVEMENT PROJECT - ENGINEERING

Upon recommendation of Kimble Corbridge, Engineering Division, through David Roundtree, Public Works Director, on motion by

Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Change Order No. 2 with Dossey Construction & Engineering Contractor for the Ski Way Water Quality Improvement Project, be approved; and that the Public Works Director be authorized to approve future change orders up to 5% of the new contract amount.

It was noted that Change Order No. 1 was 4.9% of the contract amount; that Change Order No. 2 is 0.4% of the original contract amount; that the total of 5.3% is over the 5% amount that the Board allows the Public Works Director to authorize; and that the project is funded by Nevada Tahoe State Bond Act, EPA Grant, and Burton/Santini funds.

98-688 DEDICATION MAP OF SECTION LINE ROADWAY - VISTA BOULEVARD - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that a Dedication Map of Section Line Roadway located on Washoe County Park property on Vista Boulevard be approved and Chairman Bond be authorized to execute.

It was noted that the property is surrounded by "The Fairways by Wingfield Springs" development requiring the dedication of Section Line Roadway to the City of Sparks; that the dedication will improve access to the park property; and that all street improvements will be constructed by the developer.

98-689 QUITCLAIM DEED, DRAINAGE EASEMENTS & TEMPORARY SLOPE EASEMENTS - LAZY 5 COMPANY (HIGHLAND RANCH PARKWAY) - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Quitclaim Deed, Drainage Easements and Temporary Slope Easements from Lazy 5 Company, a Nevada Corporation, concerning the completion of Highland Ranch Parkway be accepted and Chairman Bond be authorized to execute the above-referenced documents concerning the completion of the project.

98-690 APPLICATION - RIGHT-OF-WAY EASEMENT - BUREAU OF LAND MANAGEMENT (BIG HAT MOUNTAIN) - ROADS

Upon recommendation of W. Dean Wall, Manager, Road Operations & Maintenance, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an Application for a Right-of-Way Easement from the Bureau of Land Management enabling realignment of 2,000 square feet of roadway to clear definition of the maintained right-of-way and eliminate hazardous conditions be approved and Chairman Bond be authorized to execute.

98-691 GRANTS OF EASEMENT - MUD SPRINGS DRIVE - RENO PARK MOBILE HOME ESTATES UNIT 2A THROUGH 13 - DISTRICT ATTORNEY

Upon recommendation of Russell Nash, Jr., Deputy District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following actions be taken concerning Grants of Easement regarding Reno Park Mobile Home Estates Unit 2A:

1. That Grants of Easement between Washoe County as Grantee and Rosemary Ortiz, Robert M. and Patricia L. Stampfli and Virginia H. Moyer as Grantors be accepted and Chairman Bond be authorized to execute.
2. That the District Attorney be authorized to file an action to quiet title to any of the above-referenced drainage easements which have not been granted to the County by July 15, 1998.
3. That the Board accept all Grants of Easements which may be received in this matter and Chairman Bond be authorized to execute them on behalf of the County.

98-692 RESOLUTION - ADOPTING AMENDED SUN VALLEY AREA PLAN - (CPA98-SUN-1)

Upon recommendation of Sandra Dutton, Department of Community Development, on motion by Commissioner Galloway, seconded by

Commissioner Mouliot, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond be authorized to execute:

RESOLUTION

ADOPTING THE AMENDED SUN VALLEY AREA PLAN (CPA98-SUN-1) A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

WHEREAS, The Washoe County Planning Commission has found that the SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the SUN VALLEY AREA PLAN, was held on May 21, 1991, with the most recent amendment to the SUN VALLEY AREA PLAN being held on May 26, 1998, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SUN VALLEY AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the SUN VALLEY AREA PLAN being held on June 24, 1998, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The amendment to the SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the amended SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

98-693 AWARD OF BID - WIDE AREA NETWORK - BID NO. 2093-98 MANAGEMENT INFORMATION SERVICES/SOCIAL SERVICES

This was the time to consider rejection of all bids received concerning Bid No. 2093-98 for a Wide Area Network to be installed at the Social Services satellite office located at the Wildcreek Business Park, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on May 26, 1998. Proof was made the due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Network Access Solution
- DRP Consulting, Inc.
- Lantech
- Open Computing Platforms, Inc.

C-Spec, Inc. and Comsys failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that all bids received for Bid No. 2093-98 for the Wide Area Network be rejected.

It was noted that according to the Nevada Contractor's Board, the County would have been forced to procure the equipment through a licensed contractor due to a small portion of the installation requiring a Nevada contractor's license which would severely restrict the County's ability to obtain competitive pricing on the required equipment from those vendors who routinely sell the equipment but do not possess a contractor's license; and that it was determined that the County can achieve significant savings by procuring the required equipment directly from the dealers, and installing it with in-house staff avoiding taxes, eliminating mark-up, and incurring additional savings on installation costs estimated at \$7,500.00.

98-694 CORRECTION OF FACTUAL ERRORS - 1996/97 & 1997/98 UNSECURED TAX ROLL - ASSESSOR

Upon recommendation of Thomas Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on personal property for tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Bond be authorized to execute on behalf of the Commission.

Triple S Tire & Brake	ID #2/261-128	(1997-98 Unsecured Roll)
Radio Dealers Leasing	ID #2/191-498	(1996/97 Unsecured Roll)

98-695 BILL NO. 1207 - AMENDING WCC CH. 5 - ESTABLISHING HOURS OF OPERATION - OFFICE OF THE COMMISSIONERS OF CIVIL MARRIAGES

Bill No. 1207 entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING PROVISIONS ESTABLISHING THE HOURS OF OPERATION FOR THE OFFICE OF THE COMMISSIONER OF CIVIL MARRIAGES," was introduced by Commissioner Mouliot, the title read to the Board, and legal notice for final action of adoption directed.

98-696 BILL NO. 1208 - AMENDING WCC - CH. 25 - ISSUANCE AND POSSESSION OF WORK CARDS FOR EMPLOYEES OF PRIVATE INVESTIGATORS

Bill No. 1208 entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISION RELATING TO ISSUANCE AND POSSESSION OF WORK CARDS FOR EMPLOYEES OF PRIVATE INVESTIGATORS REQUIRED TO BE LICENSED BY THE PRIVATE INVESTIGATOR'S LICENSING BOARD," was introduced by Commissioner Shaw, the title read to the Board, and legal notice for final action of adoption directed.

98-697 BILL NO. 1209 - AMENDING WCC CH. 35 - JURISDICTIONAL AUTHORITY OF CORONER TO INVESTIGATE DEATHS UNDER CERTAIN CIRCUMSTANCES

Bill No. 1209 entitled "AN ORDINANCE AMENDING CHAPTER 35 OF THE WASHOE COUNTY CODE BY MAKING CERTAIN CHANGES TO THE JURISDICTIONAL AUTHORITY OF THE CORONER TO INVESTIGATE THE DEATHS OF PERSONS UNDER CERTAIN CIRCUMSTANCES," was introduced by Commissioner Galloway, the title read to the Board, and legal notice for final action of adoption directed.

98-698 BILL NO. 1210 - AMENDING WCC CH. 20 - IMPOSING \$10 FEE IN CIVIL ACTIONS - JUSTICE & DISTRICT COURTS

Bill No. 1210 entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS IMPOSING A \$10 FEE IN CIVIL ACTIONS IN JUSTICE COURTS AND DISTRICT COURTS," was introduced by Commissioner Camp, the title read to the Board, and legal notice for final action of adoption directed.

98-699 BILL NO. 1211 - AMENDING WCC CH. 110 - DEVELOPMENT CODE - PROVISIONS FOR ON-PREMISE SIGNS

Bill No. 1211 entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS RELATING TO ON-PREMISE SIGNS TO ADD A NEW ARTICLE 504, ON-PREMISE SIGN REGULATIONS; CHANGE REFERENCES FROM PRE-MAY 26, 1993 ZONING DESIGNATIONS TO CURRENT REGULATORY CLASSIFICATIONS THAT ARE COMPARABLE; CHANGING REFERENCES FROM THE COUNTY BUILDING OFFICIAL TO THE DIRECTOR OF COMMUNITY DEVELOPMENT; ADOPTING A NEW NUMBERING SYSTEM TO CONFORM TO THE DEVELOPMENT CODE FORMAT; AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Shaw, the title read to the Board, and legal notice for final action of adoption directed.

98-700 AGREEMENT - PATRIOT SYSTEMS - COMPUTER-ASSISTED MASS APPRAISAL SYSTEM - (CAMA) ASSESSOR/ MANAGEMENT INFORMATION SERVICES

Upon recommendation of Bob McGowan, Assessor and Matt Beckstedt, Interim MIS Director, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Patriot Systems, concerning the acquisition of a Computer-Assisted Mass Appraisal System (CAMA) be approved and Chairman Bond be authorized to execute.

98-701 AGREEMENT - LAW ENFORCEMENT ASSISTANCE NETWORK (LEAN) SOFTWARE - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between Washoe County (Sheriff) and Law Enforcement Assistance Network (LEAN) concerning the purchase, installation, training, customization and technical support of POP Track software for installation of one licensed POP Track software program on one Sheriff's Office network site, be approved and Chairman Bond be authorized to execute.

98-702 AMENDMENT NO. 1 - INTERLOCAL COOPERATIVE AGREEMENT NO. R030-96-010 - NEVADA DEPARTMENT OF TRANSPORTATION - INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT - S.R. 28 PEDESTRIAN PATH IMPROVEMENTS

Upon recommendation of Michael Harper, Department of Community Development, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Amendment No. 1 to Interlocal Agreement No. R030-96-010 between Washoe County and the State of Nevada Department of Transportation, and the Incline Village General Improvement District (IVGID), concerning State Route (SR) 28 Pedestrian Path Improvements be approved; and that Chairman Bond be authorized to execute and transmit the signed agreement to the Nevada Department of Transportation.

98-703 AGREEMENT - CENTER STREET MISSION - HOMELESS RESOURCE & DROP-IN CENTER - HUMAN SERVICE COORDINATOR

Commissioner Mouliot expressed concern regarding individuals housed at the Center Street Mission located on Keystone Avenue inquiring as to what actions would be taken if certain individuals create problems by continuing to harass homeowners and business owners in the area.

Reverend Mike Stickler, Program Supervisor for the Homeless Resource Center, responded to Commissioner Mouliot's concerns explaining that in order to get into the Search-For-Work Program, in which individuals are required to come through the drop-in component first; that unless they are coming in through another program and did not get processed through the Search-For-Work Program, located on Keystone Avenue, they would go through a review process and be discharged back to the drop-in center to a point where they can find a better program for them; and that the key to this is that they will be located at the facility on Morrill Avenue.

Reverend Stickler further advised that with regard to guidelines for these individuals, they are required to be back on the property within two hours after their work shift is over; that a breathalyzer test is required upon entering back onto the property; that they must be enrolled in programs and classes in the evenings and report to work during the day which represents a fairly tight schedule; and that in order to have the benefit of having a place to stay, they are required to abide by the rules. He further stated that for the first year, they have established a monthly meeting with the neighborhood surrounding Keystone Avenue which will be facilitated by the Police Department; that if they advise them about a particular individual who violated the program agreement, that individual would be taken back to Morrill Street or into another program more suitable for his needs; and that he has been working with the neighbors to encourage them to see the facility and observe its services first hand.

Commissioner Galloway stated that it was his understanding that the agreement would contain a specific provision defining the

location of the drop-in center on Morrill Avenue which he did not see in the agreement, and Michael McMahon, Human Services Coordinator, stated that he included a language change concerning this provision in an additional staff report distributed to the Board regarding questions raised at yesterday's caucus, and the final agreement will specify the address at 495 Morrill Avenue.

Commissioner Camp inquired as to what kind of guarantee there would be that Project Restart will be paid \$30,000 which was in question to set up a computer program to track homeless clients, and Reverend Stickler stated he has been working with staff; and that he does not know if there is a guarantee at this time.

Mr. McMahon explained that he has contacted the owner of the Software company regarding transferring the licensing agreement to Washoe County from Project Restart; that discussions have taken place regarding the use of a router placed at the Keystone site which could be utilized by the Sheriff's Office and the Center Street Mission to coordinate homeless activities and services; and that he discussed this with the M.I.S. Department concerning necessary hardware and software.

Upon recommendation of Michael McMahon, Human Service Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that an Agreement between Washoe County as Grantor and the Center Street Mission as Grantee, concerning the operation of a Homeless Resource and Drop-in Center be approved as amended and Chairman Bond be authorized to execute.

It was further ordered that the following Resolution be adopted and Chairman Bond be authorized to execute:

RESOLUTION -- Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 1998-1999 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private, nonprofit organizations; now, therefore, be it,

RESOLVED, By the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Center Street Mission, Inc., a private, nonprofit organization, a grant for fiscal year 1998-1999 in the amount of \$120,000 (WC).
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Homeless Service Agreement, which Agreement is included herein and placed on file with the Clerk.

98-704 RESIGNATIONS & APPOINTMENTS - BOARD OF MASSAGE EXAMINERS - COMMUNITY DEVELOPMENT

Assistant District Attorney Madelyn Shipman advised that discussion had been held at yesterday's caucus regarding this item clarifying that although this recommendation includes the reappointment of Karen Carmel, Business License and Zoning Enforcement Supervisor, that due to the fact that she is the Enforcement Agent in charge of performing the review of applicants, that it would seem inappropriate to have her on the Board, and as a result, she would recommend a replacement for Ms. Carmel at a later date as they do not have recommendations for her replacement at this time.

Following discussion, upon recommendation of Karen Carmel, Business License and Zoning Enforcement Supervisor, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the resignation of Joani Cabrera and Lesa Pensak from the Board of Massage Examiners be accepted; and that the appointment of Leslie McGuire and F. Douglas Koenig as regular members to the Board be accepted with terms to expire June 30, 2000.

It was further ordered that a replacement for Karen Carmel to the Board of Massage Examiners be considered at a later date.

98-705 REAPPOINTMENTS - EXOTIC ANIMAL ADVISORY BOARD

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Susan Asher, Director of the Nevada Humane Society, and Dr. Randall Warner, a Veterinarian, be reappointed to the Exotic Animal Advisory Board, with terms to expire August 12, 2001.

98-706 REAPPOINTMENTS - REGIONAL WATER PLANNING COMMISSION - WATER RESOURCES

Upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Paul Neuffer be re-appointed as a voting member and Michael Demartini be re-appointed as a voting alternate to the Regional Water Planning Commission for three-year terms.

98-707 RESIGNATION & APPOINTMENTS - SENIOR SERVICES BOARD OF TRUSTEES

Upon recommendation of Karen Mabry, Senior Services Director, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the resignation of Orland Outland from the Senior Services Board of Trustees be accepted; that Gerry Taylor be appointed to fill Mr. Outland's unexpired term to July 1, 1999; and that Mary Leonard and Jocelyn Ray be reappointed to the Senior Services Board of Trustees to four-year terms expiring July 1, 2002.

Chairman Bond stated that Mr. Outland has served the County and the community in many different aspects; that she is very sorry that he has to relinquish his chairmanship on the Senior Services Board of Trustees as he will be a great loss to the Board as well as to the Senior community; and that she wishes him well with regard to his health.

98-708 RESIGNATION & APPOINTMENT - TRUCKEE RIVER ADVISORY BOARD

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Hal Morton's resignation from the Truckee River Advisory Board be accepted effective immediately; and that Dale Barcomb be appointed to fill Mr. Morton's unexpired term to June 1, 2000.

98-709 REAPPOINTMENTS - EAST WASHOE VALLEY CITIZEN ADVISORY BOARD

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Ivo Bergsohn, Lissa Davis and Dana Howry be reappointed as at-large representatives to the East Washoe Valley Citizen Advisory Board with terms to expire June 30, 2000.

98-710 REAPPOINTMENTS - GALENA-STEAMBOAT CITIZEN ADVISORY BOARD

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that David Kladney and Noran Ruden be reappointed as at-large representatives to the Galena-Steamboat Citizen Advisory Board with terms to expire June 30, 2000.

98-711 REAPPOINTMENTS - SOUTHEAST TRUCKEE MEADOWS CITIZENS ADVISORY BOARD

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Judith Laing be reappointed as a Hidden Valley Homeowner's representative and Cheryl Purvis be reappointed as a Virginia Foothills representative to the Southeast Truckee Meadows Citizen Advisory Board with terms to expire June 30, 2000.

98-712 REAPPOINTMENTS - SOUTHWEST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Terry Rupert be reappointed as the Zolezzi/Spring Valley/Westridge representative and Ellen Steiner be reappointed as the South Hills representative to the Southwest Truckee Meadows Citizen Advisory Board with terms to expire June 30, 2000.

98-713 REAPPOINTMENTS - WEST WASHOE VALLEY CITIZEN ADVISORY BOARD

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Sharon Burke, Jon Christensen and Jack Healy be reappointed as at-large representatives to the West Washoe Valley Citizen Advisory Board with terms to expire June 30, 2000.

98-714 APPOINTMENT - STATE LAND USE PLANNING ADVISORY COUNCIL

Katy Simon, Interim County Manager, reviewed background information regarding this item advising that a replacement for John Hester, Washoe County's previous representative on the State Land Use Planning Advisory Council is necessary due to his resignation.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the following individuals' names be submitted to the Governor's Office for consideration of appointment to the State Land Use Planning Advisory Council to replace Mr. Hester: Bill Whitney, Open Space Planner, Department of Community Development, (No. 1 designee), and Michael Harper and Ron Gilgore, Department of Community Development, to serve as alternates.

98-715 RESOLUTION - LEVYING TAX RATES FOR ALL WASHOE COUNTY ENTITIES FOR THE 1998-99 FISCAL YEAR

Upon recommendation of Jerry McKnight, Director of Budget & Finance, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond authorized to execute:

RESOLUTION LEVYING TAX RATES FOR ALL WASHOE COUNTY ENTITIES FOR THE 1998-99 FISCAL YEAR

WHEREAS, the Nevada Tax Commission has certified the combined tax rates for the 1998-99 fiscal year; and

WHEREAS, the Board of County Commissioners is required, pursuant to NRS 361.460, to levy the tax rates for all local government entities in Washoe County for the fiscal period beginning July 1, 1998, and to designate the number of cents of each \$100 of property levied for each fund; and

WHEREAS, to confirm to the Nevada Department of Taxation the tax rates levied, the Department of Taxation has requested county commissions to adopt the resolution levying the tax rates of all local entities pursuant to NRS 361.460 and forward a copy of the Resolution to the Department.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Washoe County, Nevada, hereby levies the tax rates for all local government entities in Washoe County as such rates have been certified by the Nevada Tax Commission;

BE IT FURTHER RESOLVED, that the tax rates for all local government entities in Washoe County for the fiscal year 1998-99 as certified and levied are shown on exhibits placed on file with the Clerk; and

BE IT FURTHER RESOLVED, that the tax rate for Washoe County be designated and distributed for each fund as shown on Exhibits placed on file with the Clerk; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to distribute copies of this Resolution along with all attachments to the Nevada Department of Taxation, the Cities of Reno and Sparks, the Truckee Meadows Fire Protection District, the Washoe County Treasurer, the Comptroller, and the Director of Budget and Finance.

Bill Whitney, Open Space Planner, reviewed background information and answered questions of the Board regarding an update on the Regional Open Space Program including the Washoe County/Bureau of Land Management joint planning effort, the Washoe County/U.S. Forest Service joint planning effort, and the Peavine Mountain Management Plan.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the following actions be taken:

1. That an update on the Washoe County/Bureau of Land Management joint planning effort for open space on public land be acknowledged.
2. That the Regional Open Space Program staff be directed to work with the U.S. Forest Service on the "revision/amendment" process for the Humboldt-Toiyabe Forest Plan.
3. That a Progress Report on the Peavine Mountain Management Plan be acknowledged.

98-717 OFFER OF EMPLOYMENT - COUNTY MANAGER

Commissioner Mouliot stated that in his opinion, it would be appropriate to offer Katy Simon, Interim County Manager, the position of County Manager.

Commissioner Galloway advised that over the past ten days he has received positive input from the community regarding Ms. Simon; that he has met with her and she had responded to his questions very adequately; that she has an established track record; that her expectations with regard to a contract are within a range acceptable to him; and that he would support the recommendation to appoint Ms. Simon to the position of County Manager.

Chairman Bond stated that the County would be well served by Ms. Simon's appointment; that she has had a very positive response from the community including that of former Lt. Governor Sue Wagner, regarding this recommendation; and that she would like to see the Board move forward with the recommendation.

Commissioner Shaw stated that he concurs with the recommendation; that he had met with Ms. Simon to discuss her goals and objectives; and that he is very pleased with what was presented to him.

Commissioner Camp stated that she concurs with the recommendation expressing that Ms. Simon is a top candidate for the County Manager position.

On motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Katy Simon, Interim County Manager, be appointed as County Manager upon successful negotiation of an employment contract.

98-718 AB 291 - SALES TAX - POSSIBLE BALLOT QUESTION

Commissioner Galloway advised that AB291 allows the Board to impose two 1/8% sales tax increments one for the Railroad grade separation project and one for the Flood Control and Public Safety projects; that Nevada law also provides the Board an option to put these questions in some reasonable form to the voters; that the deadline for placing the sales tax question on the ballot is July 20, 1998; that the issue at hand is whether or not to place this on the ballot which would be an advisory question only; and that the Board is not facing a deadline for the imposition of the tax.

Commissioner Mouliot then made a motion to separate the 1/8% Railroad grade separation project and the 1/8% Public Safety issue so that they could be addressed on their own merits for discussion purposes. Commissioner Shaw seconded the motion and upon call for the question, Chairman Bond, Commissioner Camp and Commissioner Galloway voted "no" and the motion was defeated.

Chairman Bond stated that she would like to give members of the public an opportunity to speak so they can address these issues without the Board separating the issues, as in her opinion, this would be premature.

Chairman Bond then called on individuals wishing to speak regarding the proposed sales tax issue.

The following individuals spoke in support of placing this issue on the ballot:

James Nakata  
Ed Atwell  
Mr. Gillings  
Carolyn Nelson  
State Assemblyman Gustavson  
Shirley Geek  
Lynn Chapman  
William Brock

The following individuals spoke against placing this issue on the ballot:

John Madole  
Hillary Vonich  
Dave Aiazzi, Reno City Councilman

The following individuals spoke regarding proposed flood control projects and impacts of the flood of 97 to their homes and businesses:

Mike Parise  
Robert Rose  
Chris Nelson  
Donna Rose  
Priscilla Derasio

Bill Parker addressed the danger of railroad tunnels and the negative impacts of raising taxes.

Numerous letters and documented telephone calls regarding this issue were placed on file with the Clerk.

Chairman Bond referred to a morning radio station wherein a radio announcer was discussing how Commissioner Galloway was advocating placing the advisory questions on the ballot and remarks made that "that the other Commissioners do not care about the public." She stated that this type of media coverage makes it very difficult for Board members as they are prematurely labeled to not care about the public; that the issues before them tonight address very important public concerns; that all of these issues have a regional impact; that she would like to ensure the audience and members of the general public that if this issue is not placed on the ballot this does not mean that the sales tax would automatically be imposed; that her concern is that they have not had an opportunity to receive sufficient input regarding these issues; that they do not know what the projects will encompass; they they are very unclear as to funding mechanisms; and that for these reasons, she is hesitant to put this on a ballot.

Commissioner Shaw stated that he believes they have received enough information regarding the railroad track project which is why he voted to split the two issues, and he would like to see the question placed on the ballot regarding the railroad grade separation and move forward to support the flood control project as outlined by staff.

Commissioner Galloway stated he would like separate motions on each of these items to ascertain whether or not they should be put to a vote so the public will be aware that they confronted this entire issue; that he does not want a perception of evasion to exist in the public, concluding that it has taken courage for all Board members to articulate their respective positions regarding

this issue; and that he has faith in the public and believes that the public desires to vote on these tax issues, as they overwhelmingly supported the Jim Gibbon's tax initiative.

Commissioner Camp stated that she concurs with Chairman Bond; that it is premature to place these issues on the ballot as they do not have adequate information to be totally informed to the point of making correct decisions; that there are many safeguards in place to address these issues and allow for public input; and that these safeguards are in place to protect the taxpayers and residents in the Truckee Meadows from future floods and downtown degradation.

Following discussion Commission Galloway made a motion to place an advisory question on the November ballot for a 1/8 of 1% sales tax increase for the Railroad Grade Separation Project as outlined in the Resolution attached to the agenda report. Commissioner Shaw seconded the motion and upon call for the question, Chairman Bond, and Commissioners' Mouliot and Camp voted "no," and the motion was defeated.

Commissioner Galloway then made a motion to place an advisory question on the November ballot for a 1/8 of 1% sales tax increase for Flood Control and Public Safety Projects and the motion died for lack of a second.

Commissioner Shaw made a motion to proceed with the Flood Control and Public Safety Projects at the Regional Planning Commission level, and Commissioner Mouliot seconded the motion. Upon call for the question, Chairman Bond and Commissioners Galloway and Camp voted "no," and the motion was defeated.

#### 98-719 WASHOE VALLEY PUBLIC TRAILS SYSTEM PLAN MAP & ACCOMPANYING TEXT

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno-Gazette Journal on July 3, 1998 to consider adoption of the Washoe Valley Public Trails System Plan Map and accompanying text, forwarded by the Washoe County Parks Commission with recommendation for adoption, to be incorporated as part of Washoe County Park District 3C Master Plan (if adopted). Proof was made that due and legal notice had been given.

Bob Webb, Department of Community Development, reviewed the process undertaken by the Washoe Valley Public Trails Committee formed by the Board on March 11, 1997 to evaluate public trails in Washoe Valley. Mr. Webb advised that the catalyst for the committee's work is an approved Intermodal Surface Transportation Efficiency Act (ISTEA) funded bike route project on one mile of South Old U.S. Highway 395 and two miles of South East Lake Boulevard and reviewed the results of numerous meetings regarding this issue.

Karen Mullen, Parks & Recreation Director, reviewed ISTEA funding stating that it is comprised of State and Federal funding; that the State's portion is \$164,000 (20% of the project cost); that the Federal portion is \$656,000 (80% of the cost); that County funding for this portion of ISTEA funding for Phase I is zero dollars at this time; and that if the request was for an additional \$108,000, it would only be applicable to an extension of the path along East Lake Boulevard if the County desires to do so. Ms. Mullen further advised that the State would not request additional funds should there be cost overruns; that should the Board elect to proceed with the extension of the path, the State could come back and negotiate with the County on whether or not they desire to approve the additional work or cut back on the project; that if the map has a bike route designation it does not have to be built that way as it is merely a guide; and that they did consider other alternatives to widening Old U. S. 395.

Commissioner Camp stated that she has a problem with access for horses in a horse valley; that if road shoulders are paved to the Lakeview Trailhead they would cut off access for horses; and that she does not see the benefit of supporting one group over another most particularly with the results of surveys which indicated that the majority of Washoe County residents do not support this project.

Lois Aicholtz, Chairman, Washoe County Parks Commission, stated that the bike path in Washoe Valley is a safety issue for motorists and bicyclists as well; that the bike path along Franktown Road was removed due to narrow roadways and the inability to complete the entire route and the parties agreed that Old U.S. 395 would be the most viable public route for the Washoe Valley bike path; and that the Park Commission's unanimous endorsement of the plan maintains their goal of providing the public with open trails and safe bikepaths for all Washoe County residents.

Susan Martinovich, Assistant Director of Engineering, State of Nevada, Department of Transportation (NDOT), discussed how far \$108,000 would go explaining that it would not go very far because of the cost of the 1-1/2 miles plus additional work along East Lake beneath the structures approximating \$820,000; and that they would anticipate the \$108,000 would extend to the intersection and ramp northbound on the freeway coming down to East Lake and getting through that interchange area. She further stated that a question was raised whether or not all of the money could be applied on East Lake instead of doing the project on the other roadways stating that this could not be done to involve State funding as NDOT does not own East Lake; and that they are making the match on the project as it is a department facility. Ms. Martinovich then answered questions of the Board concerning the technicalities of the project stating that if this project does not go forward, the funding would go back into an enhancement fund to fund project overruns; and that if a project within Washoe County fell through, they would attempt to fund another prioritized project in the County although there is no guarantee of that occurring. In conclusion, Ms. Martinovich stated that the project will include 12-foot travel lanes with 6-foot shoulders.

Chairman Bond opened the public hearing by calling on anyone wishing to speak.

The following individuals representing various bicycle groups, citizen advisory boards, horseback riding advocates, equestrian trail advocates, homeowners, and educators spoke in support and opposition to the Washoe Valley Public Trails System Plan Map and Accompanying Text:

- |                    |                  |                |                 |
|--------------------|------------------|----------------|-----------------|
| Sue Newberry       | Larry Hendricks  | Jack Barnes    | Bruce Mackey    |
| Lisa Davis         | Kit Miller       | Delma Campbell | Tom Danzinger   |
| Steven Vander Wall | Randy Thompsen   | Jack Sorenson  | Charles McQuery |
| Jane Countryman    | Jon Christensen  | Cliff Young    | Lisa Haekner    |
| Lynn Ramsey        | Pete Menchetti   | Sharon Burke   | Gary Schmidt    |
| Debbie Sheltra     | Richard Hatzfeld | Ed Fessler     | Ernie McNeill   |
| Scot Barbour       | Chris Sandagorda |                |                 |

Greg Krause, Planning Manager, Regional Transportation Commission, advised that in November, 1994 the Board approved the application process to go forward and request the ISTEA funds necessary for this project; that subsequently they included a bicycle lane in the Regional Transportation Plan; that in May, 1998 they changed the designation from "lane" to "route" to slightly reduce the scope of project and still obtain most of the benefits; that they have still met the safety needs of the project and reduced the cost to the taxpayers as well; and that although this is a very small investment in the overall picture, it is an important investment as it addresses the multi-modal issue needed to plan for other modes of transportation in the future.

Tom Fronapfel, Assistant Director of Planning, Nevada Department of Transportation, cited accident statistics that have occurred on old U.S. 395 and East Lake Boulevard.

There being no one else wishing to speak, Chairman Bond closed the public hearing.

Commissioner Camp stated that she is not necessarily opposed to bike lanes; that she went into this with an open mind favoring neither East nor West Washoe Valley citizens; that she prefers to refer to this area as Washoe Valley, not East or West Washoe Valley; that she took it upon herself to understand exactly how the residents of Washoe Valley felt about this issue by reading in depth every survey and utilized them in her decision making; that residents favor a bike route around Washoe Lake as well as a bike route in the State Park; that they are not totally opposed to bike routes, however they would like the Valley to be left with the routes and trails that currently exist; and that she would urge

the Board to support the desires of Washoe Valley residents who have made their voices heard through the questionnaires.

Chairman Bond stated that since the ISTEPA funding is available for this project, it would be senseless not to take advantage of it; that there are very dangerous portions of roadway existent in that area; and that if this project can enhance the safety factors, she has no problem supporting the project.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the Washoe Valley Public Trails Plan Map and accompanying text, placed on file with the Clerk, and incorporated as part of the Washoe County Park District 3C Master Plan be adopted to include paragraphs 1, 3,4 & 5 as amended and the deletion of paragraph 2.

Commissioner Galloway then moved to include Paragraph 6 of the text and Commissioner Shaw seconded the motion, which motion duly carried, with Commissioner Camp voting "no."

It was further ordered that staff be directed to continue with the approval process for the Interlocal Agreement with the State of Nevada Department of Transportation for the construction of a bike route along Old U.S. 395 from the vicinity of Lonesome Polecat to Lakeview Hill.

98-720 APPEAL - VARIANCE CASE NO. V2-8-98 - ERIC MAUTNER APN: 78-222-04

7:00 p.m. This was the time set in a Notice to Property Owners dated July 1, 1998 and mailed by the Department of Community Development, to consider an appeal filed on June 12, 1998 by Richard & Jan Budetti, George & Jeanne Steinheimer, Ethelda Thelen, Bill & Betty Thiessen, Thomas W. Harrison, Sr., and Jim Edge of the Board of Adjustment's conditional approval of a request to vary three provisions of Section 110.308.15 (Home Occupations) of the Development Code including subsection (b) regarding location and size, subsection (g) regarding commercial vehicles, and subsection (o) regarding equipment storage. This variance is being requested to facilitate the operation of an excavation business on the site of a single-family residence. The 11.02 acre property is located at 16700 Red Rock Road and is designated Low Density Rural (LDR) in the North Valleys Area Plan. The parcel is situated in a portion of Section 4, T23N, R18E, MDM, Washoe County, Nevada. (APN: 78-222-04).

Trevor Lloyd, Department of Community Development, advised that several residents of the Rancho Haven subdivision appealed this variance based on four issues (1) that the applicant submitted an incomplete application as he did not answer question No. 6 on the variance application, (2) that incomplete and erroneous information was presented to the Board of Adjustment and it was felt that the information was not verified by staff, (3) that allowing the variance would further weaken the regional plan established by Washoe County to uphold the wishes of the property owners of the area, and (4) that Mr. Mautner has operated an unlicensed business for two years without repercussions from the County and that by issuing a special variance at this time would be a reward that every unlicensed contractor will take note of.

Mr. Lloyd further advised that Mr. Mautner had been previously cited for operating his business without proper licensing and permits; that in his attempt to establish proper licensing, staff determined that the land use designation (LDR) would not allow the type of use he was requesting, primarily the storage of mechanical equipment; and that he subsequently applied for a variance to vary the home occupation regulations contained in the Development Code. He then gave a slide presentation depicting Mr. Mautner's property, the existing garage where his equipment is being kept and a proposed garage which will house a backhoe, a frontloader and a dumptruck, reviewing an inventory of Mr. Mautner's equipment and miscellaneous items stored on his property, noting that no heavy equipment was being stored on the property at this time; and that all of the outdoor equipment is neatly stacked and covered.

Eric Mautner, applicant, described the nature of his business operation stating that he is not in violation of CC&R's in his neighborhood clarifying that he is not excavating his property or engaging in any digging which has been alleged by some of his

neighbors who are appealing this variance request. He then read a letter into the record from a woman who originally opposed this request and then changed her mind after talking to him and receiving clarification regarding this issue. Mr. Mautner stated that the Rancho Haven Property Owners Association had mailed out ballot questions regarding this request to affected property owners that were very negative and one-sided.

In response to Chairman Bond's inquiry, Mr. Mautner stated that he provides equipment to perform excavation work as well as the materials which he picks up in Reno and Lockwood.

Chairman Bond opened the public hearing by calling on anyone wishing to speak.

Appellants Richard Budetti, Ethelda Thelen, and Betty Thiessen spoke in opposition to the variance request citing issues regarding skirting zoning laws, an attack on home occupation regulations which do not consider commercial excavation businesses except in industrial zoned areas; that an excavating business should not be located in a residential neighborhood as it alters the character and appearance of the residential environment and is precedent setting; that there was also a dispute of Findings No. 1 & 2 set forth by the Board of Adjustment which state that the project will provide excavation services to residents in the Red Rock area; and that there are no industrial or commercially zoned properties to accommodate the storage of mechanical equipment located within close proximity of this location.

Dennis McLumfey spoke in opposition to the variance citing issues regarding negative impacts to property values and increased road maintenance with heavy equipment running full-time on the road.

Phillip Lock, Lisa Burgess, Steve Johnson, Leah Waddie, Delores Spears and Bob Beggus spoke in support of the variance stating that they did not feel the business would negatively impact their property values; that each variance is considered individually; that this would not set a precedent; that Mr. Mautner's yard is immaculate; and that his work is excellent.

There being no one else wishing to speak, the public hearing was closed.

Mr. Mautner responded to questions raised by Commissioner Mouliot regarding his equipment clarifying that he has no intentions of expanding his fleet. He further explained that with regard to road impacts, his work is predominately performed in the immediate valley minimizing road impacts.

Mike Harper, Department of Community Development, explained that a violation of the variance would be reason to bring the business license back for a revocation hearing before the Board.

Chairman Bond stated that she has never heard of any problems regarding this situation prior to this meeting; that Mr. Mautner has been performing this work on a very small scale and as a result of a variance being involved, there will be considerable scrutiny over his operation; and that she would support this variance request.

On motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the appeal be denied and that the Board of Adjustment's recommendation to approve Variance Case No. V2-8-98 be upheld based on the following conditions:

1. The applicant shall obtain a valid Washoe County building permit within one year from the date of approval by the Board of Adjustment. The applicant shall commence and complete construction in accordance with the time periods required by said permits.
2. The applicant shall demonstrate substantial conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. Conformance shall be determined by the Department of Community Development.
3. A copy of the Final Order and approved site plan for the variance shall be attached to all building department and business license applications issued by Washoe County.

4. Mechanical equipment shall be limited to the storage of the three excavating machines and shall be stored in the equipment shed when located on the property. Additional equipment and machinery shall not be allowed.

5. Contractor's materials of any kind associated with this home business shall not be stored on this parcel.

6. A landscaping/architectural plan shall be reviewed and approved by the Design Review Committee prior to any ground disturbing activity. Said plans shall address architectural design, building materials, color and landscaping.

7. The applicant shall remove the two existing storage bins prior to obtaining a business license.

8. The mechanical equipment shall not be operated on the property at any time, except for loading, unloading and service only.

9. On-premise signs or visual advertisements shall not be permitted.

98-721 PRELIMINARY DEVELOPMENT AGREEMENT - CASE NO. DA4-1-98 - REALTY CORNER/PRUITT

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 3, 1998 to consider a request to enter into a Preliminary Development Agreement between Realty Corner/Pruitt and Washoe County to fund infrastructure and to implement design standards pursuant to the Warm Springs Specific Plan (WS SP). The agreement would facilitate parcelization of a 44.714-acre site into four parcels ranging from 10 to 14 acres in size (see Case No. PM4-12-98). The property is located north of Whiskey Springs Road and west of Grass Valley Road, approximately 2.0 miles east of the Pyramid Lake Highway. The property is designated High Density Rural (HDR) in the Warm Springs Specific Plan and is situated in the SW1/4 of Section 33, T23N, R21E, MDBM, Washoe County, Nevada (APN's 077-350-10).

Catherine McCarthy, Department of Community Development, provided background information regarding the Development Agreement and reviewed contents of a financing plan including cost estimates for roadways internal to the Warm Springs Area Plan advising that due in part to the rural undeveloped nature of the specific plan today and lack of public services, the community wanted an assurance that water systems, roadways and flood control would be addressed when development occurred; that when the Specific Plan was adopted it was envisioned that a major property developer would eventually construct or finance a substantial amount of needed infrastructure, however, certain areas of the plan do allow options for paying voluntary fees in lieu of constructing the needed improvements; that the development agreement is the legal framework that allows the County to collect these fees and to place them in a special fund; and that the proposed development agreement proposes to pay fees outlined in the financing plan.

Ms. McCarthy stated that the applicant is not proposing to construct paved roadways as part of the agreement; that due to the fact that the applicant has a parcel designated high density rural, they have the option of paying fees; and that the properties located in low density suburban areas must either provide the necessary infrastructure or prepare a new financing plan for the Board's review.

Ms. McCarthy further advised that the applicant has requested that the Board consider how the fees are calculated for the parcel in question and to consider modifying condition of approval #4 to add text which states "3 parcels will be assessed fees rather than 4," as the existing home was built prior to the adoption of the Warm Springs Specific Plan. She stated that the Planning Commission discussed that the fees associated with the specific plan are voluntary; that the fees are linked to the privilege of further subdividing; that the Planning Commission reviewed language in the specific plan; and that the text excerpt basically exempts existing parcels from the provision of the plan and allows them to construct one home. She continued that should the parcel be further divided, the plan states that the existing home shall be subject to their pro-rated share of any development fees or assessments applicable at the time of parcel division; and that the consensus reached by the Planning Commission was that the Specific Plan intended all four parcels to be assessed fees.

Chairman Bond explained that the reason they entered into this type of an agreement in this area was due to the fact that it is very rural; that there are great distances between parcels; that to expect developers to pave miles of road between one house and another was prohibitive, and therefore, they encouraged a buy-in on the fees as eventually in-fill would occur and roads would

eventually be paved.

Chairman Bond opened the public hearing by calling on anyone wishing to speak.

Randy Walter, Mackay and Soms, representing applicants, stated he concurs with all conditions of approval as recommended by staff and the planning commission although he objects to Condition #4 requiring existing residence to pay the voluntary infrastructure fees stating that it is his belief that this requirement is not consistent with the Specific Plan for the following reasons:

(1) Fees required to serve new development - fees are intended to mitigate the impacts of a new development on the infrastructure contained within the Specific Plan; that the fee paid for the privilege to develop, is a fee intended to cover the cost of infrastructure required of development.

(2) No rational nexus - There is no rational nexus to allow the County to assess a fee on an existing residence to pay for impacts not created by the existing residence.

(3) Existing parcels of record allowed to construct one single family home - County staff has justified their recommendation based on their interpretation of a provision in the plan which exempts existing parcels of record and permits construction of a single family home on each of 40+ existing parcels without paying fees. "Should this existing parcel be further divided, the existing [constructed after adoption of the plan] single family home shall be subject to all provisions of this plan." This provision refers to existing parcels of record without homes constructed and does not refer to existing residences at the time of plan adoption.

(4) District Attorney staff comment that "all lots would participate in the fee schedule" is not correct - The financing plan uses a conservative estimate of the number of lots that will actually participate in the funding of infrastructure. The financing plan states: "The use of this development potential limitation (3000 acre-feet perennial yield) results in a conservative estimate of the infrastructure cost per development unit."

(5) Payment to the County for the privilege to develop property - At the planning commission hearing, staff and certain members of the planning commission expressed the viewpoint that property owners should be obligated to pay the County for the right to develop their property. "Staff expressed the view that the existing home was a benefactor of the future community infrastructure improvements and therefore believed the applicant should pay their proportionate share of the costs." In addition - The existing residence does not need any of this infrastructure, as it existed prior to it being proposed; that the implication is that the property owner does not have any property rights unless he first pays the County for the privilege to use it and he does not believe this is an appropriate position for the county to take.

In conclusion, Mr. Walter requested that the Board approve the Development Agreement proposed by staff with the exception of Condition #4 which he is requesting to amend as follows: "except three (3) parcels will be assessed rather than four (4)."

Mr. Walter further stated that the financing plan is very clear; that the intent was that all parcels, particularly existing residences which are not mentioned in the plan, were not to be assessed and only new parcels developed were to be assessed; that the anticipated need for the infrastructure exists for the total build-out development of the SPA; and that only a portion of those lots are intended to cover the cost of infrastructure, although it is assumed that the entire SPA will be not built-out to its total potential.

Greg Dennis, a Warm Springs resident, stated that he sat on the Citizens Advisory Board when they initiated the Warm Springs Specific Plan; that when in considering how special assessment districts are formed, it benefits the group it is applied it to; that this is a benefit to those people in that they are able to parcel their land; that other people in the valley cannot do so, because they set the Specific Plan up; and as a result, they should pay their fees.

Tom Pratt stated that he was on the Task Force that helped create the SPA and he concurs with Mr. Walter that it was never the intent that any existing dwellings paid these fees; that many of the dwellings were there at that time, but in no way did anyone

ever insinuate the payment of fees on existing structures for the 40-acre parcels.

Wanda Wright, President, Warm Springs Property Owners Association and current member of the Citizens Advisory Board, stated that they discussed this at length; and agreed unanimously on the Board that the existing parcels with the homes on them should be exempt.

Brent Douglas, a resident of Whiskey Springs Road stated that he concurred with Ms. Wright.

There being no one else wishing to speak, the Chairman closed the public hearing.

Madelyn Shipman, Assistant District Attorney, stated that when the plan was adopted it was made clear that this is a voluntary payment and a payment that allows for the division of this property; that the other side of the issue is that the financing plan was intended to be a rough impact fee without being an impact fee through the legal process; that the reason that the fee is paid upon the filing recording of the final map is to assure that the money is in place before the recordation, which is a safeguard; that a typical safeguard fee is not collected until a building permit is issued; and that she can see an argument both ways, however, whatever decision the Board renders tonight is a decision that they would have to follow through with all future splits in this area.

Chairman Bond stated that in her opinion you pay for the parcel that you are parceling, you do not pay for your residence if it already exists and therefore she would like to modify Condition #4 to read that "three (3) parcels will be assessed rather than four (4)".

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Preliminary Development Agreement Case No. DA4-1-98 for Realty Corner/Pruitt be approved subject to the following findings and conditions as amended:

#### FINDINGS

1. Plan Consistency. That the proposed Preliminary Development Agreement is consistent with the goals, policies and action programs of the Warm Springs Specific and Area Plans and the Washoe County Comprehensive Plan.
2. That the requested parcel map is consistent with the density provisions and lot size regulations of the Washoe County Development Code and the site is particularly suitable for the density and type of residential development proposed.
3. That the physical design of the project and the manner in which the design makes adequate provision for public services. This Development Agreement provides adequate funding of public infrastructure pursuant to the Warm Springs Specific Plan (WS SP). The project will be served by individual wells and nitrate reducing septic systems, and water rights will be secured prior to recordation of the final map.
4. The terms and conditions of this Development Agreement are sufficient to protect the interests of the public, residents, and the owners of the land subject to the Development Agreement in the integrity of the plan.
5. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.
6. That the Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission public hearing.

#### CONDITIONS

UNLESS OTHERWISE STATED, PRIOR TO APPROVAL OF THE FINAL DEVELOPMENT AGREEMENT, ALL CONDITIONS MUST BE MET. A COPY OF ALL

AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS DEVELOPMENT AGREEMENT IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

#### GENERAL CONDITIONS

1. Unless specifically stated in the final Development Agreement, all uses, densities and standards shall be consistent with the Washoe County Development Code and with the goals and policies in the Comprehensive Plan and the Warm Springs Specific and Area Plans. Unless specifically stated in the Final Development Agreement, the allowed uses, densities, and standards of the land subject to the Development Agreement shall be those in effect at the time the final agreement is approved.
2. Approval of the Preliminary Development Agreement shall be valid for two years from the date of approval by the Washoe County Planning Commission.
3. The fee schedule stipulated in the Preliminary Development Agreement shall be adjusted to those in effect at the time the Final Development Agreement is submitted and deemed complete by staff of the Department of Community Development.
4. The Final Development Agreement shall reflect the Staff Recommended Edits dated May 27, 1998, except three (3) parcels will be assessed fees rather than four (4).
5. The Final Development Agreement shall reference and include conditions of approval for Parcel Map Case No. PM4-12-98 as an exhibit.
6. The Final Development Agreement shall specify any time frames that have been extended beyond those specified by Washoe County Code or Nevada Revised Statutes. The Department of Community Development shall be responsible for determining compliance with this condition.
7. The developer and all successors shall direct any potential purchaser of the tentative parcel map (prior to recordation of the final map), to meet with the Department of Community Development to review the Preliminary Development Agreement and the conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser within 30 days of the final sale.
8. Prior to submittal to the Washoe County Commissioners, the Final Development Agreement shall be reviewed and approved by the Office of the District Attorney of Washoe County.
9. The Final Development Agreement shall incorporate the changes to Exhibit E - Design Standards Handbook for the Realty Corner Map Case No. PM4-12-98, as specified in the Washoe County Design Review Committee (DRC) letter dated June 1, 1998. The DRC letter refers to the Technical Review Memo prepared by Dale Doerr of CFA Inc. dated May 13, 1998.
10. The Final Development Agreement shall incorporate the following changes to Exhibit E - Design Standards Handbook for the Realty Corner Parcel Map Case No. PM4-12-98:
  - a) pg. 9, Completion of Construction - The word "County" shall be replaced with "Homeowners Association".
  - b) pg. 9, Maintenance of Lots - The word "County" shall be replaced with "Homeowners Association".
  - c) pg. 16, Landscape and Irrigation Plan Submittal Requirement - Text shall be amended to clarify that submittal of

plans will be to the Architectural Review Committee.

98-722 ABANDONMENT CASE NO. AB3-3-98 - BRUCE DOUGLAS BRIDLE WAY/JUNIPER HILLS SUBDIVISION

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on July 1, 1998 and published in the Reno Gazette-Journal on July 3, 1998 to consider the recommendation of the Washoe County Planning Commission to deny the abandonment of the bridle path easement for lots 6 through 14 in Block G of the Juniper Hills Subdivision. The area requested to be abandoned is 1.28 acres in size and is located to the rear (south) of the lots south of Bridle Way Street and to the west of APN 009-095-01. The property is designated Low Density Suburban in the Southwest Truckee Meadows Area Plan and situated in portions of Section 20, T19E, R19E, MDM, Washoe County, Nevada. (APN's: 009-095-01, 009-095-02, 009-095-03, 009-095-04, 009-095-05, 009-095-06, 009-095-07, 009-095-08, 009-095-09). Proof was made that due and legal notice had been given.

Cheryl Ryan, Department of Community Development, reviewed background information regarding the abandonment request explaining that the Planning Commission recommended denial "without prejudice" as they felt the request was premature; that the decision was based on previous direction by the Board to clear some bridle easements and install fencing within the subdivision; that they felt that any abandonment application within the subdivision should not be considered until these paths are cleared and usable and until it is further determined that additional clearing of other easements is not necessary; that in addition, a finding was made that the abandonment would create material injury to those residents within the Juniper Hills neighborhood that use the trails and also for residents that purchased their property as an investment with the idea that they could sell their property in the future as horse property with internal trails. In conclusion, Ms. Ryan stated that the Planning Commission also recommended that the Board establish a time frame of one year to allow staff the opportunity to clear the selected easements, install fencing and identify any impacts related to the use of the bridle paths prior to allowing applicants to re-submit their request.

Chairman Bond opened the public hearing and called on those wishing to speak.

Guy Faulkner, 4330 Bridle Way, stated that this request is to abandon bridle paths a very short distance from 4300 to 4400 Bridle Way; that this issue had been previously discussed and it was determined that the particular areas in question were not conducive to bridle paths due to steep terrain and the expense of grading; and that buildings on several properties had been constructed across the easement which had raised questions as to whether or not they had proper building permits as they were constructed many years ago.

Marcie Welsh, 4365 Bridle Way, spoke in opposition to the abandonment stating that when an individual has illegally appropriated common property for their own use, she does not feel that they should be rewarded by being given the property; and that she purchased her property with the amenity of having horse trails and would like to be able to sell it with the same amenity.

Bill Welsh, 4365 Bridle Way, suggested that the recommendation from the Planning Commission be amended to include a three-year trial period; that it is now July and the trail along the North side of Bridle Way is not yet opened. Mr. Welsh clarified that both sides of Bridle Way are open except where the subdivision ends, in which case there is an easement out to the street; and that everyone who purchased property in the subdivision voted for the bridle path with an agreement to keep the bridle path open regardless of the level of usage; and that it clearly states in their CC&R's that it does not matter how long the bridle paths have been neglected as they will always be open for people to use. Mr. Welsh then read a letter into the record from Kathy Williams, a resident on Pinto Drive, opposing the abandonment.

Molly Grein, Chair, West Truckee Meadows Citizen Advisory Board, read two letters into the record from Gwendolyn Clancy and Keith and Tracey Nichols opposing the abandonment request.

There being no one else wishing to speak, the public hearing was closed.

Ms. Ryan stated that the obstruction issue had been discussed at the Planning Commission advising that she had walked the trail with Bob Webb, Department of Community Development, and although a lot of the barriers inhibiting passage have been created over the years by either the dumping of materials and overgrown shrubbery, this is correctable and could be modified to make the trail

passable.

Commissioner Galloway stated that in earlier hearings regarding this issue the Board did not indicate that any other trails were not usable for bridle trails; that they felt they were not getting the most "bang for the buck"; that certain trails would be more difficult to clear and make usable than other trails; that there were limited resources regarding this project; that they chose to take the most practical routes and make them accessible; that legal counsel had indicated that all of the easements are basically open; and that anyone can walk on them if they are able to get past some of the obstructions;

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the Planning Commission's recommendation to deny Abandonment Case No. AB-3-3-98 (Bridle Way/Juniper Hills Subdivision) be upheld with the deletion of verbiage "without prejudice" as recommended by the Planning Commission and based on the following findings:

FINDINGS:

1. That the abandonment is not consistent with the policies and action programs, standards, and maps of the Comprehensive Plan and the Southwest Truckee Meadows Area Plan.
2. That at this time, it can be determined that the requested abandonment will create a detriment and/or material injury to the surrounding properties within the Juniper Hills neighborhood. The bridle paths are internal to the subdivision and are part of an overall bridle path network serving all property owners within Juniper Hills.
3. That the abandonment request is premature given previous direction by the Washoe County Board of County Commissioners to clear some bridle easements within the subdivision to provide access to users. Until these paths are cleared and usable, and it is determined that additional clearing of other easements is not necessary, abandonment applications for the bridle path easements should not be considered within the subdivision.
4. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.
5. That the Washoe County Commission gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

98-723 ABANDONMENT CASE NO. AB4-4-98 - E.A. COLLINS APN: 44-371-09 (FORMERLY 44-371-01)

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on July 1, 1998 and published in the Reno Gazette-Journal on July 3, 1998 to consider the recommendation of the Washoe County Planning Commission to conditionally abandon a ñ5,284 square foot portion of the Foothill Road right-of-way northwest of its intersection with South Virginia Street. The area to be abandoned is part of a ñ4.08 acre property designated General Commercial (GC) in the Southwest Truckee Meadows Area Plan. The parcel is situated in a portion of Section 8, T18N, R19E, MDM, Washoe County, Nevada. (APN: 44 371 09) (Formerly known as 44-371-01). Proof was made that due and legal notice had been given.

Mike Boster, Department of Community Development, provided background information and answered questions of the Board regarding the abandonment request.

Chairman Bond opened the public hearing by calling on anyone wishing to speak regarding the abandonment. There being no response, the hearing was closed.

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of a portion of the Foothill Road right-of-way as described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered Abandonment Case No. AB4-4-98 for E.A. Collins, be approved subject to the following conditions:

CONDITIONS

1. Prior to recordation of the Resolution and Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements.
2. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements. Specific to this project, a 30-foot water and sewer utility easement must remain in place for the existing Washoe County utilities.
3. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.
4. At the time of development, landscaping or other plans for the project shall be submitted to the Washoe-Storey Conservation District's Urban Planning & Development Review Committee for review and approval.

98-724 ABANDONMENT CASE NO. AB4-5-98 - GEORGE POORE APN: 49-060-27

7:00 p.m. This was the time set in Notice of Public Hearing mailed by certified mail to abutting property owners on July 1, 1998 and published in the Reno Gazette-Journal on July 3, 1998 to consider the recommendation of the Washoe County Planning Commission to abandon conditionally approximately 1,354 feet of Timberline Drive and realign the road 100 feet to the east of the existing alignment. The portion of the road to be abandoned bisects a 26.82 acre parcel north of the Mount Rose Highway. The property is designated Low Density Suburban (LDS) and General Rural (GR) in the Forest Area Plan and is situated in a portion of Section 34, T18N, R19E, MDM, Washoe County, Nevada. (APN: 49 060 27). Proof was made that due and legal notice had been given.

Mike Boster, Department of Community Development, provided background information and answered questions of the Board.

Chairman Bond opened the public hearing by calling on anyone wishing to speak regarding the abandonment. There being no response, the hearing was closed.

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the portion of Timberline Drive described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Abandonment Case No. AB4-5-98 for George Poore, be approved subject to the following conditions:

CONDITIONS:

1. Prior to recordation of the Resolution and Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements.
2. Provide evidence of the relinquishment of all public utility easements by the public utilities that originally accepted and approved said easements.
3. Roadway and drainage improvements in the proposed roadway easement shall be constructed to the satisfaction of the County Engineer.
4. The parcel map granting the new roadway easement shall be recorded before the Order of Abandonment is recorded.

5. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements. Specific this project, a 30-foot water and sewer utility easement on the new Timberline alignment must be offered for dedication to Washoe County.

6. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be invalid.

7. All equestrian and pedestrian easements shown on Park District Master Plan 1C shall be included in the realignment to the satisfaction of the Parks and Recreation Department.

98-725 AMENDMENT - ABANDONMENT CASE NO. AB5-7-97 - ALBERT GUERRA, JR. - APN: 048-091-07 & 08

7:00 p.m. This was the time set in a Notice of Public Hearing sent by certified mail to abutting property owners on July 1, 1998 and published in the Reno Gazette-Journal on July 3, 1998 to consider the recommendation of the Washoe County Planning Commission to approve conditionally an amendment to a previous approval to abandon a portion of the right of way of Old Mt. Rose Highway running along Lots 29, 30, 31 and 32 of Mt. Rose Bowl Subdivision, Unit No. 1 from twenty-five feet to thirty feet to facilitate the construction of a garage and addition/remodel of the existing residence. The adjacent homesite, located at 10195 Old Mt. Rose Highway, is a .56 acre property consisting of 2 parcels which are designated Medium Density Suburban (MDS) in the Forest Area Plan and situated in a portion of Section 17, T17N, R19E, MDM, Washoe County, Nevada. (APN: 048 091 07 and 08). Proof was made that due and legal notice had been given.

Dean Diederich, Department of Community Development, provided background information and answered questions of the Board.

Chairman Bond opened the public hearing by calling on anyone wishing to speak regarding the abandonment. There being no response, the hearing was closed.

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of a portion of the right-of-way described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Abandonment Case No. AB5-7-97 for Albert Guerra, Jr., be approved subject to the following conditions:

CONDITIONS:

1. Prior to recordation of the Resolution and Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements.
2. A 7.5 foot plowed snow storage easement shall be reserved along the remaining right-of-way.
3. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
4. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

5. A Hold Harmless Agreement shall be recorded to the satisfaction of the District Attorney's Office for the covered portion of the stairway within the snow storage easement prior to the recordation of the Resolution and Order of Abandonment.

98-726 BILL NO. 1200 - ORDINANCE NO. 1024 - CREATING SPECIAL ASSESSMENT DISTRICT NO. 26 - MATTERHORN DRIVE

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 2, 1998, to consider second reading and adoption of Bill No. 1200. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance.

Bob Stroebel stated that he resides four houses away from Matterhorn Drive and did not receive any information regarding this ordinance.

David Roundtree, Public Works Director, described the location of the road for Mr. Stroebel advising that it terminates at the intersection of Antelope Valley Road.

Mr. Stroebel stated that the road has a long history as it was first built without County approval; that the Red Rock Land Association received a permit from the Bureau of Land Management to grade the road but never approached the County; that Matterhorn Drive comes through a subdivision with cars driving at high speeds to Lemmon Drive and out to Highway 395; that this is unplanned and residents in his area have complained; and that dust from the road is very bad and paving would be an improvement. Mr. Stroebel then requested that proper signage and speed bumps be installed to warn people that they are approaching a subdivision, and Chairman Bond stated that they would take this into consideration, however, they could not mitigate this unless they have documentation that a problem does exist.

Ron Hess, 1463 Antelope Valley, spoke in favor of the Assessment District requesting that the project be expedited so that the road can be paved during the current paving season which will enable the Sheriff's Office to enforce speed limits on that portion of the road which they now consider a private road until the County takes it over.

There being no one else wishing to speak, Chairman Bond closed the public hearing.

Commissioner Galloway stated that in his opinion, some of the people residing on a portion of the road should have been exempted; and that this situation needs to be addressed in the future.

Mr. Roundtree explained that the paving should be completed by the end of September.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Ordinance No. 1024, Bill No. 1200, entitled, "AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 26 (MATTERHORN DRIVE); ORDERING A STREET PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND CONSTRUCTION OF STREET IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 26 (MATTERHORN DRIVE); AND PRESCRIBING OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

98-727 BILL NO. 1201 - ORDINANCE NO. 1025 - CREATING SPECIAL ASSESSMENT DISTRICT NO. 27 - OSAGE ROAD/PLACERVILLE ROAD

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 2, 1998, to consider second reading and adoption of Bill No. 1201. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Ordinance

No. 1025, Bill No. 1201, entitled, "AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 27 (OSAGE ROAD/PLACERVILLE ROAD); ORDERING A STREET PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFORE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND CONSTRUCTION OF STREET IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 27 (OSAGE ROAD/PLACERVILLE ROAD); AND PRESCRIBING OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

98-728 BILL NO. 1202 - ORDINANCE NO. 1026 - AMENDING WCC CHAPTER 110 - DEVELOPMENT CODE - WATER & SEWER REQUIREMENTS

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 3, 1998, to consider second reading and adoption of Bill No. 1202. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance.

Stewart White, attorney representing the Sun Valley Water & Sanitation District, stated that the Sun Valley General Improvement District, the Incline Village General Improvement District, and the South Truckee Meadows General Improvement District (GID's) initiated this process in 1995 in an attempt to amend the ordinance to conform with actual practice as none of the GIDs or County staff follow the provisions contained in the ordinance; that a portion of the ordinance requires developers to dedicate water rights for projects in the County; that Sun Valley has water rights under contract with Sierra Pacific Power Company; that the County has nothing to do with determining the amount of water rights as this is performed by district staff and the State Engineer; that this ordinance states that IVGID, due to its location in the Tahoe basin is unique and although this may be true, it does not solve the problem of this ordinance not being followed by the other GID's; that he had suggested at yesterday's caucus meeting an amendment to the ordinance that would state that the provisions of the article do not apply to development within a general improvement district supplying water and/or sewer service under NRS Chapter 318, which establishes general improvement districts; and that in his opinion this is a matter of principle as the people in the field are not adhering to the ordinance.

Assistant District Attorney Madelyn Shipman stated that Mr. White's request would constitute a substantial change to the legal impact of the ordinance; that if the Board desires to go forward with his request, that it would be necessary to go back to a first reading; that as a result of various issues raised regarding the ordinance, she would recommend going forward with the ordinance, exempting IVGID, and requesting that Water Resource Department staff look at existing provisions to determine why people are not following the ordinance.

Michael Harper, Department of Community Development, stated that this item has come before the Board three times; that the Board never directed staff to amend the ordinance according to suggestions previously requested by Mr. White; that it is a valid suggestion and should be deferred to the Department of Water Resources; that their focus and response to IVGID was a response to the Tahoe Regional Planning Agency's involvement with their water rights; that in his opinion there is a significant difference in the Truckee Meadows; that he would recommend going forward with this change and direct staff to come back to the Board in a workshop session to work through changes to the ordinance if the Board so desires.

Commissioner Galloway stated that the reason this went forward was that TRPA is located in a different hydrographic basin; and that the Board is the water planning authority for the Truckee Meadows and not the water planning authority for the Tahoe basin.

Bill Quesnel, Interim Director of Engineering, Incline Village General Improvement District (IVGID), stated that IVGID is unique and for this reason, he supports the ordinance as proposed.

There being no one else wishing to speak, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Ordinance No. 1026, Bill No. 1202, entitled, "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) BY AMENDING ARTICLE 422, WATER AND SEWER RESOURCE REQUIREMENTS, THEREOF TO EXEMPT DEVELOPMENT IN THE TAHOE PLANNING AREA FROM THE REQUIREMENTS OF THE ARTICLE," be approved, adopted and published in accordance with NRS 244.100.

98-729 BILL NO. 1203 - ORDINANCE NO. 1027 - AMENDING WCC CHAPTER 15 - NON-EXCLUSIVE EMERGENCY CHILD PROTECTIVE SHELTER CARE AGREEMENTS

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 3, 1998 to consider second reading and adoption of Bill No. 1203. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Ordinance No. 1027, Bill No. 1203, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS OF CHAPTER 15 TO AUTHORIZE THE PURCHASING AND CONTRACTS MANAGER TO EXECUTE NON-EXCLUSIVE EMERGENCY CHILD PROTECTIVE SHELTER CARE AGREEMENTS WITH BOTH INDIVIDUALS AND ORGANIZATIONS PROVIDING FOSTER HOMES; AND OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

98-730 BILL NO. 1204 - ORDINANCE NO. 1028 - AMENDING WCC - CHAPTER 15 - DEVELOPMENT CODE - COMMUNITY SUPPORT REVIEW BOARD

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 3, 1998, to consider second reading and adoption of Bill No. 1204. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Ordinance No. 1028, Bill No. 1204, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING PROVISIONS RELATING TO THE COMMUNITY SUPPORT REVIEW BOARD AND OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

98-731 BILL NO. 1205 - ORDINANCE NO. 1029 - AMENDING WCC CHAPTER 70 - TRAFFIC CONTROL RESPONSIBILITIES

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 3, 1998, to consider second reading and adoption of Bill No. 1205. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Ordinance No. 1029, Bill No. 1205, entitled, "AN ORDINANCE AMENDING CHAPTER 70 OF THE WASHOE COUNTY CODE BY AUTHORIZING THE PUBLIC WORKS DIRECTOR TO HANDLE VARIOUS TRAFFIC CONTROL RESPONSIBILITIES IN LIEU OF THE BOARD OF COUNTY COMMISSIONERS," be approved, adopted and published in accordance with NRS 244.100.

98-732 BILL NO. 1206 - ORDINANCE NO. 1030 - AMENDING WCC CHAPTER 70 - DELETING SEVENTH AVENUE, LEON DRIVE & NINTH AVENUE - SECONDARY TRUCK ROUTES

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 3, 1998, to consider second reading and adoption of Bill No. 1206. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Ordinance No.

1030, Bill No. 1206, entitled, "AN ORDINANCE AMENDING CHAPTER 70 OF THE WASHOE COUNTY CODE BY DELETING SEVENTH AVENUE, LEON DRIVE AND NINTH AVENUE AS DESIGNATED SECONDARY TRUCK ROUTES," be approved, adopted and published in accordance with NRS 244.100.

98-733 AMENDMENT - REGIONAL WATER MANAGEMENT PLAN - NORTH VALLEYS STRATEGY - WATER RESOURCES

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno-Gazette Journal May 31, 1998 and June 28, 1998 to consider an amendment to the Regional Water Management Plan to include the North Valleys Strategy.

Steve Walker, Water Management Planner, Department of Water Resources, advised that the amendment to the plan was initiated in 1996 during a time when they were approving the water plan, struggling with the water supply and attempting to determine what projects to recommend for the North Valleys; that the Board and prior Board Chairman Steve Bradhurst suggested that they hire a consultant to analyze the projects to be brought forth; that the consultants' recommendations were amended into the plan as they came forward; and that the strategy presented as an amendment is a result of the consultant study funded in the amount of \$100,000 at that time. He further advised that the amendment has been reviewed by the Regional Water Planning Commission who passed a Resolution in support of the amendment; and that it has gone through the public review requirements of NRS 540A and all necessary publications.

Mr. Walker then reviewed the following North Valleys Water Alternatives which include the following projects:

- 1. Increase Truckee River Supply to Stead
- 2. Warm Springs Valley Importation
- 3. Long Valley Importation
- 4. Truckee Meadows Importation Project

Mr. Walker advised that all of these projects have to be permitted and proven feasible to bring to the North Valleys before actual recognition would occur; that permitting of projects for exporting water from one basin to another requires a permit through the State Engineer's Office; that if the projects move forward and are considered feasible, then they would have to come back and select a series of facilities to provide the water from the project that has shown it can be implemented; that any of these projects would go through a review at the Water Planning Commission level and the Board of County Commissioners; and that however, after working on this issue for three years they still do not have a very good solution for the North Valleys water supply.

Chairman Bond opened the public hearing and called on any one wishing to speak.

Wanda Wright, an area resident, stated that the Warm Springs Advisory Board is opposed to the amendment; that they request that the water be left in their valley; and that if there is insufficient water in other valleys, a solution would be to stop allowing developers to build and take away their water.

Alberta Carter, a Palomino Valley resident, stated that her well was drilled down 380 feet; that it has dropped 50 feet in the number of years she has resided there; that water is everything to her; and that this represents an emotional issue for her requesting that Warm Springs Valley water be retained in Warm Springs.

Doug Busselman, Executive Vice President, the Nevada Farm Bureau, stated that in representing the majority of agricultural water right owners who depend on water out of the Truckee River, they strongly encourage North Valley water alternatives that do not decrease the water flowing through the river; that from their perspective, other alternatives are better approaches for further consideration and possible implementation; and that developing water supplies for the North Valleys should come from non-Truckee River sources.

Janice Busey, a Lemmon Valley resident, stated that when she purchased her home she was assured that the density would remain low as the County had a moratorium on four lots or less; that the State then came in with a moratorium on parcel maps of five or more; that somehow a major developer in the area was able to get through the process by parceling of large parcels which "opened the flood gates"; that there is no inventory in the County of unbuilt parcels that have rights to drill wells; that the State Water Engineer does not have an inventory of the wells in the area as they do not have certificated water rights; that this Board should

say "no," and take an inventory of what is in the valley to determine the demands; and that the only need for more water is to allow for more growth.

Bob Stroebel, Lemmon Valley resident, requested that the text be changed from the "Truckee Meadows Importation Project" to the "Honey Lake Project" stating that he is offended that the name has been changed which did not raise a "red flag" for him.

Chairman Bond stated that this project has previously been referred to as the Truckee Meadows Importation Project and Assistant District Attorney Madelyn Shipman clarified that, legally, the project has always been the Truckee Meadows Importation Project.

Mr. Stroebel requested clarification regarding groundwater recharge projects, water supply for new growth, and supplemental water supplies to the Truckee Meadows.

Harold Shotwell, a resident of Warm Springs Valley, stated that he drilled his well three years ago; that it had to be drilled down 425 feet to give him a sufficient flow for his domestic well; that this represents a real problem and he hopes the situation does not get any worse.

Anthony Bator, a Palomino Valley farmer, Warm Springs Valley District, stated that he would be directly affected by pumping water out of Palomino Valley; that many people who own water rights are behind the implementation of these water rights and attempting to seek higher economic value for them based on the fact that there are economic needs in other geographic areas for the water; that if the County uses the law to create a special status for citizens with water rights, they would be creating an economic benefit for individuals behind the water importation projects; and that he is opposed to the political process of using water in that fashion.

Nina Laxalt, representing the Warm Springs Project, stated that according to the hydrogeologist hired by Bob Marshall, owner of the water rights being discussed, this water does not make it into the Warm Springs Valley; as it goes through an evapotranspiration process first.

Mike Lynch, representing the Builders Association of Northern Nevada, spoke in support of amending the water plan stating that their members would hope that whatever project might be selected would be something that is economically and environmentally sound.

Brent Douglas stated that he owns certificated water rights in the Warm Springs Valley; and when he purchased the water rights, they were written in a way that they were not to be moved out of the valley.

Greg Dennis, 6000 Rebel Cause Road, stated that he was on the original citizen advisory board that created the Warm Springs Area Plan; that there is already a depression in the valley with regard to water rights; and that certain plant species would be eliminated if the water were to be pumped out of the valley.

Chairman Bond stated that this is merely an amendment; that this is not being presented to the Board as a viable project; and that all of the issues being raised this evening would have to be addressed if these projects were deemed viable.

Mr. Dennis then requested that the County reaffirm their policy to strongly discourage transfers of groundwater from the Warm Springs hydrographic basin and direct staff to help with these protests stating that there are considerable costs to the community to go before the State Engineer because of with documentation, transfers, hearing costs, and legal advice involved in doing so.

There being no one else wishing to speak, the Chairman closed the public hearing.

Chairman Bond specified that she was well aware that the potential availability of water for the use of people within the Warm Springs Valley must be of primary concern.

Commissioner Shaw stated that when former Commissioner Steve Bradhurst sat on the Board and these issues were being discussed, they may have appeared to be good ideas at the time, however, conditions have changed; and that in reviewing these projects today, perhaps some of them should be deleted or eliminated in their entirety.

Mr. Walker stated that they have investigated all possibilities of where water could be imported from into the North Valleys; that they were requested by the County Commission and the Legislature to explore a possible water supply for this region; that if he were to go back out on a search for new water supplies for the North Valleys, the "bucket would be empty"; that although these projects were basically determined to be feasible, none of them would move forward unless they were proven to be feasible economically, environmentally and politically; and that although the Board is not endorsing any specific project, however, if the projects can bring water to the North Valleys and get through the necessary hurdles, they should be recognized.

Commissioner Galloway stated that the dilemma is that this is not just a matter of stopping growth; that there is already more growth in some of these valleys than there is water; and that the first priority would be to solve that problem and determine what damage would be created to areas where water is being taken from.

Chairman Bond stated that, although she does not want to remove the projects from the list, she would request that the people in areas most impacted by any of these projects have their wishes and concerns addressed satisfactorily.

Commissioner Mouliot stated that he would suggest changing the list if all indications are that the water table is dropping due to existing demand.

Madelyn Shipman, Assistant District Attorney, clarified that this is an amendment to the plan and not an endorsement of any particular project or proposal; and that the strategy is to explore all other options before moving forward with the possibility of an importation project.

Mr. Walker reiterated that \$100,000 had been spent to hire a professional firm from out of state to analyze all of these projects, and it was concluded that they were all relatively feasible with the exception of the Truckee Meadows Project which was deemed to be the least feasible.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that an amendment to the Regional Water Management Plan to include the North Valleys Strategy be approved as outlined by staff with a provision that the needs of the residents of Warm Springs be of primary concern; and that no more money be expended on studying the Warm Springs project or the Truckee Meadows Project.

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There being no further business to come before the Board, the meeting adjourned at 1:30 a.m. Wednesday July 15, 1998.

JOANNE BOND, CHAIRMAN  
Washoe County Commission

ATTEST: BETTY J. LEWIS, County Clerk